THE JUMEL ESTATE CASE.

Further Cross-Examination of Mr. Nelson Chase, the Defendant.

The Wills, Property and Family Associations of Madame Jumel.

## EXTRA STREET CLEANING.

A Claim Against the City for \$86,000.

John L. Brown's Little

## BUSINESS IN THE OTHER COURTS.

In the United States Circuit Court yesterday the hearing of the case of George W. Bowen vs. Nelson Chase was resumed before Judge Shipman and the special jury. The cross-examination of Mr. Nelson Chase, the defendant, occupied the whole of the day, and had not concluded at the rising of the Court. The interrogatories addressed to the witness had reference, for the most part, to the wills, property and family associations of Madame Jumel.
The trial will be continued to-day.

In the Superior Court yesterday a motion was de before Judge Barbour in the libel suit of Frederick S. Winston vs. Stephen English, of the Insurance Times, to set aside an order previously ranted to bring the plaintiff in the case into Court to be examined by defendant's counsel as to the allegations in his complaint. Plaintiff's counsel ented amdavits, the reading of which, together rith a statement of the points at issue, the Court deemed unnecessary, beyond the fact that up to this time the defendant had not been served with a copy of the complaint in question. Upon this the Opposition to it turned, the Court holding that the don of the defendant's counsel was altogether counsel could examine a party upon allegations in a complaint of the particulars of which he knew nothing. The motion to set aside the order to ex amine Mr. Winston was therefore granted.

There was a lengthy argument yesterday, though developing no new facts, before Judge Barrett in Supreme Court, Chambers, upon two motions— First, in the Simmons vs. Wood suit, to set aside a sale made by the re ceiver some two years ago; be remembered, a motion was made before Judge which motion has never yet been decided.

The suit brought by the Count Johannes against Claims \$25,000 damages, and which was set down for trial yesterday before Judge Van Brunt, holding Supreme Court, Circuit, was adjourned till the 19th of February. The Court was ready and anxious to proceed with the case, but the opposing counsel asked for delay, and, in pursuance of their request, the same was granted.

Yesterday was set down for the hearing of the abers, in the case of the Foley-Palmer injunc tion. Mr. Foley's counsel were eager to proceed sired a little further time for preparation, and the argument was consequently postponed till to-day.

The order to show cause why the Board of Audit
should not be punished for contempt through failure to comply with the writ of peremptory mands-mus directing it to audit the claim for \$85,000 of John L. Brown, for extra services in cleaning the streets, was returnable yesterday before Judge Barrett, Supreme Court, Chambers. On besubmitted, showing that every effort had been made since the issue of the writ to facts and figures to enable a proper audit of the rtunity to put in answering amdavits the arruments in the case were deferred till to-day.

## THE JUMEL ESTATE CASE.

The Sait of Bowen vs. Chase-The De fendant Still Under Cross-Examinaerty and Her Family Associations. The hearing of the case of George Washington Bowen vs. Nelson Chase was resumed yesterday in the United States Circuit Court before Judge

Shipman and the special jury.

Mr. Hoar, Mr. Shaffer, Mr. Chatheld and Mr. awyer appeared as counsel for the plaintiff, and Mr. Charles O'Conor and Mr. J. C. Carter for the

Mr. Hoar briefly referred to the point that had been raised the day before—namely, whether the defendant, Mr. Chase, should be allowed to testify as to the time when he became acquainted with

Judge Shipman—I have looked into this matter and am inclined to think, and will now decide, that the fact in this conflict of testimony between the andervoorts and Mr. Chase—the fact of his ignonce or knowledge of that statute-may

ating that he had but one or two questions to ask

ow of the existence of this statute of the State of ew York allowing an illegitimate child to inherit

New York allowing an illegitimate child to inherit from the mother? A. I did know of that law some time before that.

Q. Can you say whether or not you knew of it before your then counsel was engaged in the case? A. I did.

Q. It has been stated that a family of the name of Freeman was in some way turned out of the bouse in Circular street, in Saratoga. Had you any agency in that matter? A. No, sir; Mrs. Freeman was turned out under a writ of possession in I suit that was commenced by Champlain Howen and his coplaintiffs against me; the tenants having alied to give me a notice of the suit; it was all acatile to me, and I had nothing to do with turning er out; I met Mrs. Freeman in the American itoes, in Saratoga: I asked her when was the first lime she had ever beard of George Washington lowen; she replied, naming the first time she ever aw him, thereupon, when she said that, I got nto a passion and told her to leave the place.

ROSS-EKAMIMATION OF Mr. NELSON CHASE CONTINUED.

The cross-examination of Mr. Chase was then

The cross-examination of Mr. Chase was then ontinued by counsel for plaintiff. Mr. Chase, in oply to questions, said:—I first went out of the lity after my marriage, on a trip with my wife and ladame Jumel, after Mr. Jumel's death, in June, was the country was the count asame Jumel, after Mr. Jumel's death, in June, ass; we went to Ulster county; we remained bout a month there; after that we went to Hoffinal's Gate; we stepped there about a month; frer that Madame Jumel went before us to Lebnon Springs to look for lodgings; she wrote to ac and my wife, and we followed her; then we rent to Saratoga, some time, I think, in the latter art of August. 1832; we remained at Saratoga ntil quite late in the Fall, about November; do not remember while stopping in Columia county having any difficulty with Madame nimel about her property; in 1833 I was living to the mansion with my wife, and was studying with the office of Colonel Aaron Burr. The wittent and character of the property in litigation, ome of the trees on the property he said, had seen cut down from time to time in Madame's lifeme; the trees consisted of some hickory, oak and nestinat; Mr. Paul R. G. Pery went, I think, to rance in the Winter of 1884-5; I saw him at the ansion about the time he was preparing to go; Mat that time my son William was keeping a rocery in New York, but I cannot say that Mr. ery kept it with him; Madame Jumel set up my a in the grocery greatly against my will; I do think Madame Jumel had any difficulty with y son or Mr. Pery about that grocery: I never sard that Madame had any difficulty with y son or Mr. Pery about that grocery: I never sard that Madame had accused either my son Mr. Pery of having robbed her in regard to that rocery; my son was married to a Miss Rollston, ad she is now living with my son at the mansion:

THE COURTS. had heard that he had lived with another woman that woman was never introduced at the mansion; I never heard that Madame had complained about William until 1826, but what you are now insion; I never heard that Madame had complained about William until 1856, but what you are now inquiring about has reference to four years before; I heard from my daughter about the time of Madame Jumel's death that William was married; my memory is that I saw the draft of the Inglis will about the time Madame was going to Europe in 1851; was not informed by Mr. Inglis about that will, but Madame Jumel informed me of it; first saw that will in a chest of drawers in the Jumel mansion in 1851 or 1852; I have no doubt while Madame was absent in Europe I examined her papers; I have no recollection that Madame gave me the custody of that will; my recollection is that I read it when I first saw it; I have a behief that I examined it in the presence of Madame Jumel; I have a stong impression that I saw the will in the presence of Madame Jumel, and I saw it in 1855; I know the fact that I saw the will and read it; I am quite sure that Madame's trunks and drawers were left unlocked at the time she went to Europe, except one trunk that had a secret spring, and I had the key of it; I found the will; it was endorsed, "Madame Jumel's will;" I had never seen this will before 1851; I have a recollection that I saw it as late as 1856 or 1857; I saw it in a cheat of drawers in the room in the mansion occupied by Mme. Jumel; I have no distinct recollection that Mrs. Pery was living at the mansion at the time I last saw that will; I was in the habit of going to that chest of drawers at the request of Madame.

Q. When and where did you first see the Hollanders.

Pery was living at the mansion at the time I last saw that will; I was in the habit of going to that chest of drawers for Madame down to the time of Madame's death; I used to go to the chest of drawers at the request of Madame.

Q. When and where did you first see the Holland-Smith will of 183? A. I first saw it in the hands of my daughter, who had taken it from a drawer in the room where Mme. Jumel's death; Madame's corpse then isy in one of the pariors of the mansion; that will was retained until a few days after the funeral, when some of the executors came to the mansion in the evening and remained there for about an hour; I did not go into the room where the executors were; the will was not read in my presence; I had not read the will before the executors came there, but I knew from information the contents of it; I do not know who draw that will; I never said at that time that Madame's mind was as sound as a dollar; I never heard that the will had been sent to a lawyer in Wall street to be examined; I have no doubt I have made affidavits about that will, but I would like to see them before stating their contents; after Madame's death I made search for papers, and found deeds; all the deeds that have been produced here; if I stated on the last trial that I found no other papers but the will I referred to testamentary papers; I found some leases; I may have found letters; I have a letter in Madame Jumel's handwriting; I produce it; I suppose I have other letters of Madame's; I have one letter from her, but it is just now missaid; it is addressed to me, and is dated from Nice; the body of the letter and the signature are in her handwriting; I am not aware that any of Mr. Jumel's papers were desiroyed; had been always friendly with the Jones family from the time I became acquainted with them; Madame Jumei did not attend the funcers of my wife; since 1854 I do not know of Madame visiting\*the Jones and with the Jones at the time of making the conveynaces the first one was before I commenced to break the will.

D

naswers of the witness by counsel for the defendant.

In the further course of his cross-examination, Mr. Chase said the date of the first instrument of my settlement with the Jones' is the 22th of July, 1866; it was recorded on the 27th of December, 1866; the paper as to the 99 fooths to the Jones' is dated 29th of July, 1865; it was recorded the 29th day of September, 1856.

Q. Have you any papers relating to the marriage treaty, as it has been termed, between Paul R. G. Pery, his father, Madame Junel and your daughter, except the two letters that have been introduced of the 22d of May and the 25th of May, 1854?

A. I have none.

ter, except the two letters that have been introduced of the 22d of May and the 28th of May, 1854?

A. I have none.

Q. Did you, in your answer in the suit of Stephen
Jumel Jones and others against yourself and
others, set up that marriage treaty? A. If you will
let me see the answer I can tell you. (The answer
was handed to witness, and he said it was a copy
of the answer when this suit was in the Court of
Common Pleas.)

Counsel cross-examining occupied a considerable
time in reading to the witness papers full of legal
verblage, answers to suits, &c., sworn to by
Mr. Chase, who was questioned as to
whether he had made certain statements therein not in conformity with
the statements made on his behalf in the present
suit. The object of the cross-examination on this
point appeared to be to show that Mr. Chase had,
in other suits, offered to prove by witnesses that
the value of the property in litigation did not exceed a million of dollars. Mr. Chase said that whatever he stated in affidavits on that subject he stood
to now.

ever he stated in amusivis on that subject he stood to now.

Counsel for plaintiff offered to show by the will of Madame Jumel that a liberal provision had been made for Mrs. Pery.

Mr. O'Conor said the will was not in evidence, but the other side had a right to read it, though he denied that it was the will of Madame Jumel.

Witness went on to say that he never made the admission that Maria Jones was the sister of but the other side had a right to read it, though he denied that it was the will of Madame Jumel.

Witness went on to say that he never made the admission that Maria Jones was the aister of Madame Jumel; that was a question that was never mosted in the family; about the time of the will trial witness went to knode Island with Mr. Dunning; conversed with people in Providence; went there to make explorations and examinations in regard to the early origin of Madame Jumel; went there to trace the relationship of the Joneses and Madame Jumel; did not believe that he disclosed the name of Madame to any one there; visited the City Cierk's office; went to Rhode Island to get information about Madame Jumel to show her origin as connected with the family of the Joneses; had no doubt that he had stated at the last trial that he went to Rhode Island to get information about the family of Madame Jumel; he examined a box of old papers in the town of Smithfield, R. I., but got no information from them; examined abox of old papers in the town of Smithfield, R. I., but got no information from them; examined any other records but books in Providence; did not know George W. Bowen then; had not heard of him then, and did not inquire for him; did not employ persons to inquire about him then, but did afterwards; went to Providence again during the pendence, through Mr. O'Conor; Mr. Hart was employed by witness about the time of the Howard-smith will case; Judge Staples and Mr. Hart was employed by witness about the time of the Howard-smith will case; Judge Staples and Mr. Hart was employed by witness paid him; understood from Mr. O'Conor; there may have been some disbursements paid to Mr. Hart was for his services; the \$1,500 paid to Mr. Hart was for his services; the \$1,500 paid to Mr. Hart was for his services; the \$1,500 paid to Mr. Hart was for his services; the \$1,500 paid to Mr. Hart was for his services; the will witness paid him; understood from Mr. O'Conor; there may have been some disbursements paid to Mr. Hart was hington

make; in this case Mr. charles O'Conor and Mr. J. C. Carter are my counsel: also a young gentleman, Mr. Stickney, who has come in to assist; Mr. Edsili has also assisted in this litigation; I have also employed Jacob Depue; Mr. Bracken, a lawyer, was sent to North Carolina to make inquiries; I have no recollection of Judge Plerrepont saying on the trial of the will sut that my wife was the illegitimate daughter of Madame Jume!; I did not give him any instructions or information as to the origin of my wife; I do not remember to have done so.

Q. Will you say positively that you did not tell him Madame Jumel was the mother of your wife?

A. I say I believe I told him Mrs. Maria Jones was her mother.

A. I say i believe I told him Mrs. Maria Jones was her mother.

Q. Will you say positively you did not tell him that Madame Jumel was the mother of your wife?

A. I do not believe I ever told him so.

The witness was further cross-examined as to whether he had not heard Mr. O'Conor make certain statements in Court on the trail of the will suit to the effect that if Madame Jumel had not had children when young she was not a fruitful woman, for she had opportunities enough. Mr. Chase stated that he did not recollect such a statement. He was also asked whether he was in Court, on the will suit trial, when Mr. Pierrepont said Madame Jumel had "loved wisely, but not too well?" (Great laughter followed this questien, occasioned by Mr. Hoar correcting Mr. Shafer, who had bungled the quotation, and telling him that it was "loved not wisely, but too well.") Mr. Chase replied that he did not remember that statement, As the Court was about to adjourn, the cross-examination of Mr. Chase being yet unfinished, Mr. Carter, of counsel for defendant, said he had received a notice that evening from counsel for defendant, said he had received a notice that evening from counsel for defendant, said he had received a notice that evening from counsel for

plaintiff informing him that the plaintiff intended, on Saturday next, at ten o'clock, to take the deposition of one Alice Draper, at Peacody, in Massachussetts. All he had to say in reply was that he did not admit the plaintiff's right to take that deposition. It was plainly illegal. The party was bound to take his testimony and have it ready for the trial, and the plaintiff could not jerk his adversary away from his engagements in that manner during the actual trial of the cause in court.

Mr. O'Conor said he protested against the notice. It was most irregular, and the defendant did not regard it.

It was most irregular, and the defendant did not regard it.
Judge Shipman said he did not think that at such a stage of the case the Court should be called upon to take the deposition of a party out of the State. It was not the practice in Connecticut to do so. He said this without saying what his ruling would be it the deposition was brought into Court and offered.

and offered.

The case was then adjourned till this morning.

## EXTRA STREET CLEANING.

The Claim of John L. Brown for Eightysix Thousand Dollars Extra Services and the Board of Audit-Why the to a Writ of Peremptory Mandamus-Motion to Punish the Board for Con-

John L. Brown claims that the city owes him \$86,000 for extra services in 1871 in cleaning the streets. As the Board of Audit would not pass upon the claim, and put the matter in such a shape as to allow Mr. Brown to get a warrant on the city some time since at Supreme Court, Chambers, on his behalf, for a peremptory mandamus against the Board of Audit, directing them to audit the claim. This writ was granted, but with an allowance of twenty days' time in which to comply with the stipulations. The twenty days passing and the writ being neither complied with nor any return made to the same, application was made for an or-der to show cause why A. H. Green and Henry H.

made to the same, application was made for an order to show cause why A. H. Green and Henry H. Stebbins, members of the Board of Audit, should not be punished for contemptor court through failure to comply with the writ. This motion came up for argument yesterday before Judge Barrett, holding Supreme Court, Chambers.

Mr. West stated the circumstances under which the peremptory writ of mandamus was granted, how copies of the same had been served upon each member of the Board, how Mr. Van Voorst, one of the members, was willing to audit the claim, but Messra. Green and Stebbins were not; how he had waited beyond the appointed time, and, finding no likelihood of the writ being complied with, he now asked the punishment of the latter two genties going to show, as he claimed, that the whole fault in the matter lay with the other side. These affidavits set forth a general fishing expedition after the facts and figures upon which Mr. Brown bases his claim. The result was that neither Mr. Brown nor his counsel would give any facts to representatives of the Board. He insisted that the two members of the Board. He insisted that the two members of the Board. He insisted that the two members of the Board. He insisted that the two members of the Board in question were willing and anxious to audit the bill, but they could not do so without the proper data being furnished them.

Judge Barrett said that the Board had no doubt been guilty of a technical contempt, but, as shown in the affidavits made, were seeking the proper information upon which to comply with the writ. He desired that Mr. Brown should be paid all he was entitled to, but not a dollar more, and such evidently was the wish of the Board.

After some further remarks it was finally decided to let some answering affidavits be submitted on behalf of Mr. Brown, and the case will be reargued on the reassembling of the Court to-day.

# BUSINESS IN THE OTHER COURTS.

SUPREME COURT-CHAMBERS.

Decisions. By Judge Barrett.

De Peyster vs. Dunn et al.—Weport confirmed and judgment granted.

Prouty vs. Haggerty et al.—Motion denied, with \$10 costs.

\$10 costs.

Pittsburg and Idaho Gold Mining Company vs. F.
F. Oram.—Motion to vacate order of arrest denied,

r. Oram.—Motion to vacate order of arrest denied, with \$10 costs.

In the matter of the petition of Mary McMullen for the payment of money. Report confirmed and order granted.

Mary Van Blarcum vs. James A. Van Blarcum.—Motion granted, counsel fee of \$150 and alimony \$15 per week. SUPERIOR COURT-SPECIAL TERM.

Decisions. By Judge Barbour.
Cunningham vs. Dry Dock Railroad Company.—
Order of discontinuance.
Winston vs. English.—Motion granted.
Keechier vs. Stumme.—Order to plead.
Van Peit vs. United States Metalic Spring Boot and Shoe Heel Company.—Judgment and decree for plaintiff.
Keechier vs. Seien.—Metion denied.

COURT OF COMMON PLEAS-SPECIAL TERM. Decisions.

By Judge Loew.
Ostrander vs. Ostrander.—Motion granted.
Neetus vs. Cole.—Motion to continue injunction denied on the ground that the Court has not acquired jurisdiction of the action.
Drislane vs. Webster.—Motion denied without The People vs. Fields.—Order to be settled on two

A Daring Young Pickpocket Sent to the State Prison.

Before Judge Sutherland. At the opening of the Court yesterday Dennis Shea, a youth, indicted for robbery, pleaded guilty to petit larceny from the person. On the 14th of this month, while Mrs. Chatfield was walking through Lexington avenue, the prisoner violently Judge, in passing sentence, said that it must have required a good deal of courage and deviltry combined to perpetrate this larceny, and imposed the severest penalty the law allowed, which was imprisonment in the State Prison for five years.

A Shooting Affray in Liberty Street—A Well-known Citizen of the First Ward Sent to the State Prison for Ten Years. The rest of the day was occupied in the trial of an indictment for a felonious assault preferred against Mathew Toole, who was charged with firing four shots at Michael Burns early in the morning of the 1st of September, in Liberty street. It ap-peared from the testimony of the witnesses on both sides, all of whom were residents of the First ward, that the parties were in the Northern Hotel drinksides, all of whom were residents of the First ward, that the parties were in the Northern Hotel drinking; that while there Toole and Burns exchanged angry words, and when they subsequently reached the street, according to Burns' statement, Toole fired four shots, one of which ledged in his back. The testimony was conflicting. One witness for the defence, the brother of the prisoner, swore that he knew who fired the shots, but would not tell, because it would criminate himself. Mr. Russell produced the records of the Court, showing that a witness for the defence was convicted of manslaughter in February, 1859. Witnesses were sworn to show that Burns, the complainant, was a turbulent and dangerous character; but the evidence of the shooting was so clear that the jury rendered a verdict of guilty without leaving their seats. Judge Sutherland, in passing sentence, said that human life must be protected, and sent Burns to the State prison for ten years. This case created considerable interest among the politicians of the First ward, many of whom were present in Court. It is understood that a few years ago Toole had as much political influence as any resident of the downtown wards. His powerful backers availed nothing, however, when brought before the bar of the General Sessions; for District Attorney Russell prosecuted the case with the utmost vigor, and His Honor Judge Sutherland did not hesitate to impose the highest penalty the law attached to the crime.

Petit Larcemy.

Petit Larcemy.

Louisa C. Ogden, who was charged with stealing, on the 18th of December, \$28 worth or clothing, the property of Susan Green, pleaded guilty to petit larceny, and was sent to the Penitentiary for two months.

John Smith pleaded guilty to violating the statute against carrying concealed weapons, by having in his possession a "billy" with intent to use it. He was sent to the Penitentiary for six months.

An Acquittal.

Charles Byers was tried upon a charge of breaking into the poultry establishment of Henry Bryan on the 31st of December, at Fulton Market. It appeared that John Miller was jointly indicted and pleaded guilty, he having been found in the premipleaded guilty, he having been found in the premises. The only testimony against the accused was that of a colored man named Williams, who, by his own statement, knew that the burglary was to be committed out neglected to inform the police. Mr. Kintzing called a number of witnesses who proved the good character of the prisoner and the jury rendered a verdict of net guilty.

The Close of the Term.

urors were discharged for the term. Dur-The jurors were discharged for the term. During the January term just closed about one hundred and fifty cases have been disposed of, which, considering that neither the presiding judge nor the prosecuting officers were familiar with the routine duties of this criminal Court, was a remarkable month's work. It is safe to conclude that if the newly elected prosecuting officers were able to got rid of so many prisoners in entering upon the discharge of their operous duties, that the

prison will be cleared before Spring, and that

Before Judges Dowling, Hogan and Scott. The Court opened yesterday with a calendar of twenty-seven cases, which were speedily disposed of. Most of the prisoners pleaded guilty, and were sentenced to various terms in the Penitentiary, the Edward Gunn and Stephen Richards boys of

Edward Gunn and Stephen Richards, boys of about eighteen, were arraigned, charged with an attempt to steal a barrel of flour.

S. N. Tucker, a clerk in the employ of James H. Smith. grocer, corner of Thirty-third street and second avenue, caught them in the act of rolling the barrel away. The grocer, learning that Quinn had previously borne a good character, was unwilling to press the charge, but the Court compelled him to do so.

They were each sentenced to six months in the Penitentiary.

pelled him to do so.

They were each sentenced to six months in the Penitentiary.

The next case was that of George Rhodes against Thomas Woods and John Wilson.

Officer McDonneil, of the Third precinct, on Thursday last saw them take hold of Rhodes, who was then intoxicated, and lead him through Vesey, Church and finally down to Washington street, when they unbuttoned his coat and abstracted his watch and some money.

Rhodes was placed on the stand, but from his ignorance of the language made a peculiar witness.

Judge Dowling—Did you lose anything?

Witness—No; I dond loose nodings; I gots him all pack.

Judge Dowling—Was anything taken from you on the 23d of January?

Witness—No; I dond loose nodings; I gots him all pack.

Judge Dowling—Was anything taken from you on the 23d of January?

Witness—Yes; dot vellow (pointing to one of the prisoners).

Woods pleaded guilty and got four months. Wilson received six months.

Solomon Resenthal was charged with having stolen \$4 worth of tape at Topping's anction, in Church street. Detective Hamel made the arrest.

A witness appeared in behalf of Rosenthal. He said he did not know the "poor shentleman, but dis was all wrong. I see dat poor gentleman go along Church street dat doy and stop to pick up a barcel."

Judge Dowling—I have heard enough of your testimony. Six months in the Penitentiary.

## TOMBS POLICE COURT.

Before Judge Hogan. Arrest of a Number of Car Pickpockets Escape of One of the Prisoners-A Begging Impostor Brought to Grief.

Of late travellers on our street cars have been subjected to the depredations of thieves and pickpockets to an unusual extent. The inclemency of the weather and the consequent difficulty of trans-portation, causing the overcrowding of these vehides, has opened a fine field for professional operators, of which they have not been slow to avai

One of the victims of these gentry was Dr. Alexander MacDonald, one of the attendant-physicians on Blackwell's Island. On the 23d inst., while riding on a Third avenue car, he was relieved of a heavy gold watch valued at over two hundred dollars. On the same day Mr. Gustavus Levy, a lawyer, doing business at 15 Centre street, while riding in a Fourth avenue car, was also relieved of a similar watch of like value. From the description furnished by the former gentleman of the men whom he suspected of the theft the detectives at the Central Office, Heidelberg and Bennett, arrested John Russelt and John Walsh. Both were identified by the doctor as fellow passengers who had crowded him on the car. Acting on information furnished by Mr. Levy, Detective Tilley arrested John Hayes and another man. John Russell was also brought up, and he and one Ernest F. Ebhard were also identified as having been on the Fourth avenue car at the time of the robbery. Hayes, Waish and Russell were held by Judge Hogan in \$2,500 each to answer. They were sent down stairs at about twelve o'dock M. yesterday. Russell summoned counsel, and was brought down to the room used for the purpose of consultation. At the time one Mrs. Mack was in the Tomba visiting a prisoner. On his way back to his cell Russell contrived to get possession of her ticket very adroitly and coolif walked out of the prison.

Mrs. Mack was arraigned before Judge Hogan, charged with aiding and abetting the escapes of a prisoner. In reply to questions, she stated that the man Russell was entiraly unknown to her, and had procured her ticket surrepitiously and without any connivance on her part. She was held, kowever, for trial.

Ernest Deunn was arraigned on the compaint of John P. Hauschek, 104 Centre street, charged with ander MacDonald, one of the attendant physicians

out any connivance on her part. She was held, however, for trial.

Ernest Dounn was arraigned on the complaint of John P. Hauschek, 164 centre street, charged with obtaining money under false pretences. He presented a letter to the latter, purporting to be signed by the Rev. George A. Vosburgh, of St. Matthew's church, soliciting pecuniary aid. Hauschek, swapecting him to be an extortioner, had him arrested. The letter described the bearer as a very worthy person, and deserving assistance. The reverend gentleman when sent for disclaimd the authorship and all knowledge of the person who presented it.

Dounn was held is \$1,000 bail to answer.

## COURT OF APPEALS CALENDAR.

ALBANY, Jan. 30, 1873.
The following is the Court of Appeals day calendar for January 31:—Nes. 25, 41, 28, 48, 49, 50, 64, 68%.

## BOARD OF ALDERMEN.

The City Court House Leases-The Department of Public Works To Be Removed to the City Hall.

yesterday, President Vance in the chair. LEASES OF COURT HOUSES.

Alderman Cooper moved That the Comptroller furnish to this Board a statement of all leases now existing on file in his department which have been or which are claimed to have been made and entered into on behalf of the city of New York for the use of the various Courts, and the rents reserved therein, and the time when said leases will expire, when and by whom executed.

and the time when said leases will expire, when and by whom executed.

The resolution was adopted.

THE PUBLIC WORKS DEPARTMENT.

Alderman VAN SCHAIGK said that he desired to state, on behalf of the special committee of the Common Council appointed to provide accommodation for the Department of Public Works, that the committee had virtually agreed upon an arrangement that would give in the City Hall sumcient accommodation for the Department of Public Works. The committee had been unable to get together at present for the formal agreement as to this report; but the fact was—and it was desirable that it should be announced for the benefit of the owners of the building now occupied by the Department of Public Works—that that building would not be required by the city after the 1st of May.

would not be required by the city after the 1st of May.

The report of the committee was received.

REMOVAL OF ASHES AND GARBAGE.

Alderman Monheimer called up a general order which asked the Board of health to request the Street Cleaning Bureau to remove all asnes and garbage from the streets before eight A. M. The resolution was adopted.

The Board then adjourned.

THE NILSSON ARMORY INVESTIGATION. Evidence of Mr. J. B. Young and Mr.

Evidence of Mr. J. B. Young and Mr. Woodworth—Colonel Poultacy's Evidence Is Now Ordered and the Inquiry To Be Closed at the Next Meeting.

A meeting of the Committee on the Nisson Hall Armory Investigation was held in the Chamber of the Beard of Aldermen yesterday. The witnesses examined were Mr. J. B. Young, the lessee of the ball and Mr. Woodworth.

hall, and Mr. Woodworth.
In the course of Mr. Young's testimony he said that the memorandum he gave Mr. Anfenger and Mr. Stenff, in which the terms for letting Nilsson that the memorandum he gave Mr. Anfenger and Mr. Stenff, in which the terms for letting Nilsson Hall were stated, was simply given as the basis of a proposal to be made to Mr. Young by those parties for his consideration; the card, having his name, placed at the bottom of this paper, was a card, he supposed, that had been picked up by these parties from one of the rooms of the hotel; he had not given them the card for the purpose they had used it for; he did not make any agreement with those parties for a lease; the lease, Daniel Fallon, had called upon him, but only with Colonel Poultsey; the latter he had known as a very honorable man for twenty years, and it was upon representations made by that gentleman that he had leased the property to Daniel Fallon; the amount obtained (39,500) was a better offer than that of Mr. Anfenger, because it was for a part of the Nilsson Hall property and not for the whole of it; he was not told that it was intended to relet the property to the city for an armory; Mr. Young said that he had nothing to conceal; he let the hall to Daniel Fallon on the representations of Colonel Poultsey, in whom he had great confidence.

Mr. Woodworth, in his testimony, said he was purchaser of the Nilsson Hall property; he bought it two years ago; he gave it over to Mr. Young to let for him; had never seen Mr. Fallon; had given originally \$5,000 for the property, and had spent about forty-five thousand dollars upon it since; he thought the rent (89,500) was a fair rent, considering that it was leased for ten years; he had the abstract of the title, and would produce it before the committee if desired.

Colonel Poultsey sent a letter, addressed to the chairman, Supervisor Cooper, which was read by Supervisor McCafferty, that stated that the reason

Colonel Poultsey sent a letter, addressed to the chairman. Supervisor Cooper, which was read by Supervisor McCafferty, that stated that the reason he had not appeared before the committee was that his connection with the leasing was that of attorney acting for his client, Mr. Fallon, and he could not disclose anything in reference thereto without violating the confidence that was always reposed by clients in their lawyers.

Mr. Smythe, who appeared for Daniel Pallon, said that they would absolve Colonel Poultsey from that obligation.

The inquiry was then adjourned until Monday

that they would start they would be adjourned until Monday that obligation.

The inquiry was then adjourned until Monday next, at eleven o'clock, when it was understood that Oolonel Poulisey would answer the subponathat had been served upon him and give evidence. There were other witnesses to be examined, but the taking of evidence would be closed, it was thought, at the meeting on Monday next.

# THE "ASSASSINATED" BOYD.

The Sweetwater Defrauding Pension Agent in a Bad Fix-In Court with an Array of Counsel and Witnesses How a Few of the Frauds Were Perpetrated-Sorry Outlook for Boyd.

KNOXVILLE, Tenn., Jan. 25, 1873. The trial of Thomas G. Boyd commenced on Mon-day last before the United States Circuit and Disday last before the United States Circuit and Dis-trict Courts, presided over by Judges Emmons and Trigg, and has been the topic of absorbing interest during its progress. The prisoner failed to give the necessary bail, and has passed his time in jail when not in court or in custody of the United States Marshals. He occupies a cell with four other prisoners, three of whom are offenders against the revenue laws and the other accused of robberyentire privacy not being possible owing to the crowded condition of the jail. When brought before the Court the prisoner, through his for trial, owing to the haste with which the case was being pressed and the aboner "regretted his absence" at the last term of Court, and expressed the opinion that, owing to the prevailing public excitement, a fair and impar-tial trial could not be had. The affidavit for the continuance was a lengthy document, and occu-pied considerable time in its reading but as it would not be of general interest I will not give it.

THE JUDGE'S REMARKS.

The Court refused to grant the continuance on the ground that two postponements had already occurred, and to the fact that no effort had been made to procure the attendance of witnesses at

occurred, and to the fact that no effort had been made to procure the attendance of witnesses at the Fail term last year. The following is the learned Judge's decision:—

\* He (the defendant, Boyd) had fled from justice under circumstances so extraordinary and so carefully planned as to enable his bait, as he swears he intended they should do. to suggest his death upon the record, with the intention of still further defrauding the government of the sums in which they were bound for his appearance. Where he was during his absence, what communications he held or might have held with his witnesses, whether they are triondly or hostile and would have come upon request, why he did not subpoen them, what reason he has hereafter to expect them or had that they would be here now, or even that he expected them at all, is not even hinted at in this extraordinary affidavit. None of the manifold circumstances which we can conjecture might have given him reasonable ground to suppose he would have been prepared for trial, or showing at least a plausible excuse why he omitted preparation and could, therefore, ask a continuance, are given.

Could, without a gross violation of law, continue this cause we are unable to conceive. The paper presented secuns to have geen framed in the idea that there was no duty of diligence incumbent upon the defendant list apparent argument swould seem to assume that the government must not proceed until the convenience and even the caprices and desperate experiments of the defendant in endeavoring to defeat a trial at all had left him leisure to attend to the ordinary and lawful modes of meeting a public accusation in Court. It presents but the bald unrelieved case of a defendant fleeing from justice after trial in one case and from twenty-flye other similar indictments, and, without detail of any kind, a return a day or two before the trial, and as announcement that, for some wholly unexplained reason, he is not ready for trial. Why, is not said. No frank, excussatory explanation of the year'a

obtaining the requisite amount Boyd's counsel electrified the Court and spectators by asking leave to withdraw the plea of "not guilty" in the case of "The United States vs. Thomas G. Boyd," known as "The Martha J. Upton Case," for fraudulent pension claim, which is the one on trial. The request brought Colonel Baxter, counsel for the prise at the demand and hoped that it would not be entertained, but the trial be allowed to proceed. The motion was refused by the Court, the jury was empanelled, each side exercising their pre-rogative in challenges and excluding men supposed to be influenced by political affiliations. THE TRIAL COMMENCED

on Thursday morning, when the indictment was read, which charges the prisoner with forgery in presenting a pension claim for Martna J. Upton, colored, widow of Frank Upton, a deceased federal soldier, and six children, whereas it is alleged that she had only four, Boyd having fraudwidow being unable to read or write, and con-sequently ignorant of its contents. In this case collateral evidence has been allowed pro and con, and, in consequence, many facts in other cases pending against the prisoner have been elicited, involving him in the intricacies or a web from which it will be extremely difficult

WHOLESALE ATTEMPT AT SWINDLING.

The defendant gave full scope to his genius in this line in numerous instances, but in none was it more clearly demonstrated than in presenting the

The defendant gave full scope to his genius in this line in numerous instances, but in none was it more clearly demonstrated than in presenting the claim of Captain Goiman Bryson's company of National Guards, an irregular body of men, whose the atre of operations was chiefly in the mountains of East Tennessee and Western North Carolina. This command was never regularly mustered into service, and at the close of the war a special act of Congress was passed putting it on the same footing as other troops. This afforded ample

OFFORTUNITIES FOR FRAUDS,
which were practised with a boldness that for a time gave no suspicion, and detection only resulted when a genuine claim was presented for payment at the Department in Washington, when it was found that a fraudulent claim for the same party had been paid. One of this class was examined as a witness for the government. His name was Samuel Elliott, and Boyd had reported him as having died in the army in the year 1863, and had applied for a pension for his minor children, styling himself their guardian. Elliott denied having died at the time specified, and stated that he had no children bearing the name as signed them by Boyd, and disclaimed any knowledge of any other person bearing the same name as his own. The original roll of Bryson's company had on it eighty-three names, but Boyd afterwards added many others, until the list was swelled to 137. He had for a willing tool in carrying out this stupendous fraud a fellow named A. T. W. Payne, formerly a lieutenant in the company mentioned shove, who was established in business at Coco Creek by Thomas G. Boyd, and furnished with a steck of goods for the purpose of buying up claims against the government. In this he was eminently successful, and purchased a large number. This was easy of accomplishment, as at the time money was extremely scarce, and the peeple were compelled to part with their claims at a great sacrifice, the bulk of which found its way into Boyd's pockets and those of his hired accomplices.

found its way into Boyd's pockets and those of his hired accomplices.

In prosecuting claims he exercised the widest latitude, and in many cases fictitious names were supplied in place of living persons, and they in turn "identified" by others equally imaginary. His profits were large, and if he had not been interrupted in his nefarious schemes they would have been enormously so; but owing to the energy of the Secret Service Department the frauds were dected and a stop put to them. So numerous were the false claims unearthed that Boyd resolved on the

the Secret Service Department the frause were tected and a stop put to them. So numerous were the false claims unearthed that Boyd resolved on the PLAN of A SERMING DEATH, which, however, involved too much machinery in the number of persons necessarily employed, and the deception was exposed in a short time, and it is doubtful if anybody could now be found who would admit their guilibility in believing it, unless, perhaps, one of his conssel might.

One by one the facts in the case on trial have been brought to light, together with many others that will exert a powerful induence in the other cases pending against the prisoner, and he now stands in such an attitude that his friends are powerless to aid him, and his conviction is regarded as only a question of time. Several persons are implicated in the frauds perpetrated and have indictments pending against them in the United States Court, some of whom are witnesses in the case now in progress, and whose testimeny shows a deep laid scheme for the working of claims unequalled in numbers and the amount involved by any other in the country, as I am assured by an official from the Treasury Department, now here as a witness.

A SHARBY TRICK

was played on Boyd to-day by a brother-in-law, a witness, named B. C. Petitt, formerly County Court Clerk of Monroe county, stating that the defendant had forged his appointment as guardisa, and surreptitiously obtained his official signature and seal thereto in two instances. He admitted his own handwriting, but averred that he did not know when or under what circumstances he signed them, or how, after they were signed, the papers were taken from his possession. This was a thunderbolt to Boyd's counsel, as Petitit was one of their witnesses, and doubtless the expression of the immortal Roman, "Et u Bruce!" was uppermost in their minds wnen his defection was clearly demonstrated.

A special relaxing of the rule in such cases was permitted by the Coart in this instance, which allowed the defence to treat him as they would had he b

of testimony produced, is almost "hoping against

BOYD'S ATTEMPTED ESCAPE.

The Sweetwater Defaulting Government Pension Agent Uncomfortable in Jail-Another Effort to Avoid the Judgment "Removes" Boyd and His Companions.

KNOXVILLE, Tenn., Jan. 27, 1873. Yesterday afternoon, about one o'clock, a con-piracy to escape was discovered among the prisners confined in jail in this city, which was forplishment, or the case of "The United States va. omas G. Boyd," now pending in the Federal Court, would necessarily have been "continued," as he and his counsel so earnestly desired a few

At the hour mentioned the juiler, R. T. D'Armond, heard unusually loud singing among the prisoners, and past experience having taught him that when his "boarders" made extraordinary indications of a religious nature it was generally it not amiss to investigate the matter, and, sta-tioning himself outside the jak walls, between the resounding choruses he distinguished the sound of blows deadened as by the nicating his suspicions to Sheriff V. P. Gosaett that officer placed himself at the prison door and directed the jailer to examine the cells. Proceeding with caation and celerity to the second floor he saw one of the prisoners, John D. Mangrum by name, who is

name, who is

leap to the floor from the shoulders of another prisoner. This satisfied him that the attenuat, whatever it was, was being made there, and entering he asked Boyd if he had any tools, who repited in the negative. The jaffer then asked Mangrum if he had any, and he made a similar answer; but as the latter seemed averse to leave a corner of the cell to which he had retreated the officer proceeded to search him, and found under one arm a smail, finely tempered steel saw, and under the other a chisel. Pursuing his investigations increther he found under their blankets two bottles filled with sand and water encased.

IN A PATE OF SOCKS.

other a chisel. Pursuing his investigations interther he found under their blankets two bottles filled with sand and water encased in getting outside of the cell, but the prisoners said they had intended using them as offensive weapons if the necessity was forced on them. However, as the jailor has a penenant for shooting and its a passable marksman, they probably thought it advisable not to get into a fight with him then. The cell is a marksman, they probably thought it advisable not to get into a fight with him then. The cell is a massive stone vault, celled with heavy boller iron, and an examination showed that they had succeeded in cutting off a small piece of the corner of a sheet and loosened a boit which ran through a beam and held the iron plate in place. The prisoners evidently intended to make an opening in the top of the cell, which, if they had done, would have rendered it an easy matter for them to cut through the roof, when they could easily have escaped without assistance by making a rope of their blankets and lowering themseives to the yard below, where no obstacle except a plank fence would have remained between them and liberty.

CONCEALED WEAPONS DISCOVERED.

To-day further search was made, on intimation from a reliable source that the prisoners—who, the meannime, had been removed to a more secure cell on the first floor—had been furnished with weapons, which involved another search, when twe large knives were found. They were of Woston-holm's well-known i X Leutlery, and had 'lades between three and four inches long. One of them had only a single blade, which was made into a sw, while the other had two blades, with keen edges. The saw, chisel and knives were recognized by Mr. S. B. Luttrell as having been purchased from his hardware store on Saturday; but, while he may have a suspicion of who the buyer was, yet, as it would be difficult to make the proof on the information now in possession of the officers, no one has been arrested. It is, however, believed that the tools and weapons were pr

who have access to him at all reasonable hours, and have had abundant opportunities of doing so. Boyu rather redicated the idea of his being able to engage in such laborious work in his present enfectled condition; but as his case is by no means a hopeful one he would, doubtless, risk blistering his hands in getting out of durance vile in preference to standing the result of trial if left to his own votition. His complicity with the attempt of his companions to escape is all the more reasonable to suppose from the fact that one of the principal witheases for the defence, B. P. Reagan, who was with Boyd when he was "assassinated," could not be found this afternoon when he was wanted to give his testimony, and was discovered some time afterwards trying to get aboard the train in a way that

that

STRONGLY RESEMBLED PLIGHT;
but he gave as an excuse that "Mr. Boyd had told
him that he might go home, as he would not be
needed before the next day." Considerable excitement was created by the discoveries made, and
the propriety of guarding the jail while the trial is
in progress was suggested, but afterwards given
up, as sufficient precautions have been taken to
prevent an escape.

BILLIARDS.

W. H. GRIPPITH'S PRENCH BEVEL BILLIARD
ions, can only be purchased at 40 Vessy street. New design Tables, complete, \$250; also second hand Tables for
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A LARGE ASSORTMENT OF CAPPETS, FURNI-ture and Bedding, at lowest cash prices, by weakly instalments, at O'FARRELL'S Warehouse, Eighth avenue, corner of Twentieth street.

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AT PRIVATE SALE.—MAGNIFICENT PARLOR.
AT PRIVATE SALE.—MAGNIFICENT PARLOR.
Suits, cost \$500, for \$200; one do., \$150; Rep Suits, \$591
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A dour, Marie Anteniette style, covered silk brocade, cost \$450, for \$200; do., \$175; do., \$50; Planoforte, Bronzes, Etigeres, Mirrors, Paintings, Carpets, Cabinets, Bureaus, Bedstrads, Extension Table, Silverware, China, Glassware; a sacrifice; property family leaving city. 38 West 15th st., near 5th av.

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